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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,028	04/26/2001	Phillip John Black	3638-10	6910
23117	7590	08/28/2003		
NIXON & VANDERHYE, PC 1100 N GLEBE ROAD 8TH FLOOR ARLINGTON, VA 22201-4714			EXAMINER KIM, CHONG HWA	
			ART UNIT 3682	PAPER NUMBER

DATE MAILED: 08/28/2003

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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Appellant's Reply Brief filed Aug 18, 2003 is noted.

In response to the Appellant's argument concerning the Examiner mischaracterization of MPEP 2111, it is noted that the claims are given their broadest reasonable interpretation consistent with the specification. Words of the claim are generally given their ordinary and customary meaning, unless it appears from the written description that they were used differently by the applicant. Where an applicant chooses to be his or her lexicographer and defines terms with special meanings, he or she must set out the special definition explicitly and with "reasonable clarity, deliberateness, and precision" in the disclosure to give one of ordinary skill in the art notice of the change. See Teleflex Inc. v. Ficosa North America Corp., 299 F.3d 1313, 1325, 63 USPQ2d 1374, 1381 (Fed. Cir. 2002), Rexnord Corp. v. Laitram Corp., 274 F.3d 1336, 1342, 60 USPQ2d 1851, 1854 (Fed. Cir. 2001), and MPEP 2111.01. Pursuant to 35 U.S.C. 112, 2<sup>nd</sup> Paragraph, "[i]t is applicant's burden to precisely define the invention, and not the [examiner's]." in re Morris, 127 F.3d 1048, 1056, 44 USPQ2d 1023, 1029 (Fed. Cir. 1997). The applicant fails to provide such exact definition for the term "fixed" in the specification. Therefore, it would not be proper for the Examiner to give words of the claim special meaning when no such special meaning has been defined by the applicant in the written description.

For the reasons discussed above, the rejections should be affirmed.

Chong H. Kim  
Primary Examiner  
AU 3682